IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13650 of 2004

Between:

K.Veeraiah, s/o K.Mallaiah,
r/o Chandur, Chandur Mandal, Nalgonda District-508 255.

..... PETITIONER

AND

1 The Superintending Engineer, Operation Circle, APCPDCL,
Nalgonda District.
2 The Chief General Manager (expr.) CPDCL, 1st Floor, Seetha Ram Parsad Mansion, Red Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or orders more particularly one in the nature of writ of mandamus directing the 1st respondent to implement the order dt.27-01-2004 passed by the 2nd respondent herein and consequently direct the 2nd respondent to shift the ERO office to a near by any town where the banking facilities were available for the safety of the APCPDCL money forth with.

Counsel for the Petitioner : MR. ANDAPALLI SANJEEV KUMAR

Counsel for the Respondents : MR. S.RAVINDRANATH

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.13650 OF 2004

ORAL ORDER :

The petitioner seeks a Writ of Mandamus directing the first respondent – The Superintending Engineer, Operation Circle, APCPCL, Nalgonda District to implement the order dated 27-01-2004 passed by the 2nd respondent – The Chief General Manager (Expr), CPDCL, Hyderabad to shift the Electricity Revenue Office to a nearby any town where the Banking facilities were available.

The petitioner states that he is working as Junior Accounts Officer in the Electricity Revenue Office (E.R.O.) at Nampalli Village, Chundur Mandal, Nalgonda District. This writ petition is filed contending inter alia that E.R.O. shall be formed in a place where a Nationalised Bank is operating its services keeping in view the safety of the monies belonging to the Corporation.

The petitioner's case is that the E.R.O. where he is working is located at Namaplli village of Chundur Mandal in Nalgonda District, whereas the Nationalised Bank is

situated at Chundur, 18 KMs away from Nampalli village. Though the Corporation engaged a jeep for remitting the cash received every day in the Bank at Chundur, since the locality is declared as very sensitive area by the District Police in view of the extremists' activities, there is absolutely no safety to the Corporation's money as well as to the life of the employees. In the circumstances, the petitioner made a representation dated 16-01-2004 to the 2nd respondent requesting to shift the E.R.O. from Nampally to Chundur. In pursuance thereof, the 2nd respondent passed an order dated 27-01-2004 directing the first respondent to explore the possibility of shifting of E.R.O. to the nearest town where the Bank facilities are available, in case there is no Nationalised Bank in Nampally village. The grievance of the petitioner is that in spite of the said order of the second respondent, the first respondent failed to take any further steps. Hence, this writ petition.

The first respondent filed a counter-affidavit stating that the Nampally Sub-Electricity Revenue Office (ERO) was formed on 01-07-2003 to have a better facility to the consumers and also keeping in view the Administrative convenience to have each ERO/ Sub-ERO sub-division wise. It is further stated that the Assistant Accounts Officer of ERO at Nampally has been provided conveyance for remittance of cash receipts in the Bank and he was also authroised to utilize the vehicle of the Assistant Divisional Engineer. It is true that the 2nd respondent vide his letter dated 27-01-2004 instructed to explore the possibility of shifting of ERO, however it was felt that shifting of ERO at Nampally which was formed for better services to the consumers is difficult and the same was already intimated to the 2nd respondent by letter dated 21-02-2004. It is further stated that since the petitioner's family is residing at Chundur, he has been making representations for shifting of ERO in his personal interest.

Having regard to the specific plea taken by the respondents in the counter-affidavit stating that it is not possible to shift the ERO from Nampalli, I do not find any merit in the contentions raised by the petitioner. The letter of the 2nd respondent, dated 27-01-2004 cannot be termed as a direction to the 1st respondent to shift the ERO, but the 1st respondent was only instructed to explore the possibility of shifting. Hence,

no Mandamus can be issued to implement the same when the 1st respondent has taken a specific stand that it is not possible to shift the location. Nothing has been placed before this Court to show that 1st respondent has acted in breach of any statutory obligation nor there is any material to establish infringement of any legal right of the petitioner. Hence, the interference of this Court under Article 226 of the Constitution of India is not warranted.

Accordingly, the Writ Petition is dismissed. No costs.

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23rd September, 2004.

Gbs

To

1 The Superintending Engineer, Operation Circle, APCPDCL,
Nalgonda District.
2 The Chief General Manager (expr.) CPDCL, 1st Floor, Seetha Ram Parsad Mansion, Red Hills, Hyderabad.

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